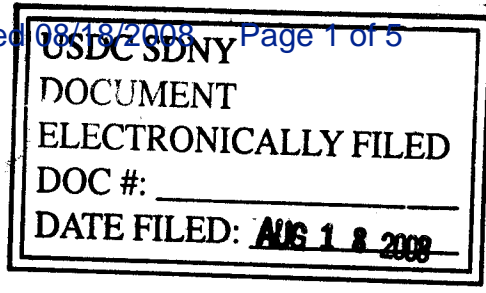


Judge Buchwald

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

INDICTMENT

- v. - :

JOEL H. LOPEZ,
ELVIS A. MARTE, and
EMMANUEL BRITO,

^{08 Cr}
08 CRIM 777

Defendants :

----- -x

COUNT ONE

The Grand Jury charges:

1. In or about April 2008, in the Southern District of New York and elsewhere, JOEL H. LOPEZ, ELVIS A. MARTE, and EMMANUEL BRITO, the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOEL H. LOPEZ, ELVIS A. MARTE, and EMMANUEL BRITO, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," within 1000 feet of a school, in violation of Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(A), and 860.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about April 15, 2008, in New York, New York, JOEL H. LOPEZ, the defendant, accepted payment of \$1,000 for delivery of 40 grams of crack cocaine.

b. On or about April 15, 2008, in New York, New York, ELVIS A. MARTE, the defendant, gave approximately 40 grams of crack cocaine to LOPEZ.

c. On or about April 30, 2008, in New York, New York, EMMANUEL BRITO, the defendant, gave MARTE approximately 60 grams of crack cocaine.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. In or about April, 2008, in the Southern District of New York, JOEL H. LOPEZ, ELVIS A. MARTE, and EMMANUEL BRITO, the defendants, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of mixtures and substances

containing a detectable amount of cocaine base, in a form commonly known as "crack," within 1000 feet of a school.

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(A), and 860; Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

5. As a result of committing one or more of the controlled substance offenses alleged in Counts One and Two of this Indictment, JOEL H. LOPEZ, ELVIS A. MARTE, and EMMANUEL BRITO, the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

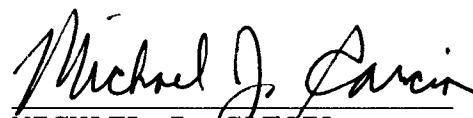
d. has been substantially diminished in value;

or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JOEL H. LOPEZ,
ELVIS A. MARTE, and
EMMANUEL BRITO,

Defendants.

INDICTMENT

08 Cr.

(21 U.S.C. §§ 812, 841(a)(1),
841(b)(1)(A), 846, 860;
18 U.S.C. § 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Sherry Buchanan

Foreperson.

8/18/08 Filed and Pat 11-1-08, This case
is assigned to Judge Buchanan, for
all purposes A/W v. [unclear]
[unclear]